

Application No. 09/715,775  
Docket No. 2000U034.US  
Reply to Office Action Dated October 17, 2003

### Remarks

#### **Claim Amendments**

Claims 23 and 40 are amended to include a comma (",") before the phrase "or mixtures thereof" to clarify that this is referring to mixtures of the two types of ionizing activators (the "tri-substituted" compounds or the compounds represented in the formula).

Claims 23 and 40 are further amended by removing the term "aluminum" to further define the "ionizing activators" commensurate with Applicant's invention.

Claims 37 and 51 are amended to correct an error, as the value disclosed in the specification as filed is "2.0". No new matter is added.

#### **New Claims**

New Claims 54 and 55 are added. No new matter is believed to be added.

#### **Section 102 Rejections**

Claims 23-25, 28, 33, 40, 41, 44 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0 578 838. EP '838 does not disclose the "ionizing activator" as is now claimed. Thus, EP '838 cannot be an anticipatory reference, and the Applicant requests that this rejection be withdrawn.

Claims 23-28, 30, 33, 38-42, 44, 47, 51 and 53 were rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,674,795. US '795 does not disclose the combination of an "ionizing activator" and an "alumoxane" as Applicant now claims, nor is the order of addition of such combination disclosed therein. Column 6, lines 66-67 to column 7, lines 1-12 of the US '795 patent make clear that only one of the various activators described are combined. Thus, the Applicant requests that this rejection be withdrawn.

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Claims 23-30, 33, 38, 40-44, 47 and 52 were rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,239,058. US '058 does not disclose an "ionizing activator" as now claimed. Thus, US '058 cannot be an anticipatory reference, and the Applicant requests that this rejection be withdrawn.


### Section 103 Rejections

Claims 31, 32, 45 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US '058 in view of US 6,066,703. Applicant's remarks above relating to US '058 are applicable to the traversal of the Section 103 rejection. Since the combination of the two references do not disclose the claim elements, the Applicant requests that this rejection be withdrawn.

It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

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Date

  
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